

SENATE No. 582

The Commonwealth of Massachusetts

PRESENTED BY:

Karen E. Spilka

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to spousal waiver for home and community-based services for physically disabled adults age 60 and under.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Karen E. Spilka	Second Middlesex and Norfolk
Susan C. Tucker	Second Essex and Middlesex
David P. Linsky	5th Middlesex
Benjamin Swan	11th Hampden
Pam Richardson	6th Middlesex
Gale D. Candaras	First Hampden and Hampshire

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO SPOUSAL WAIVER FOR HOME AND COMMUNITY-BASED SERVICES FOR PHYSICALLY DISABLED ADULTS AGE 60 AND UNDER.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Notwithstanding any general or special law to the contrary, the
2 Massachusetts Division of Medical Assistance shall, within 3 months of the effective date of this
3 act, apply to the federal Center for Medicare and Medicaid Services for a spousal waiver by
4 requesting an amendment to an existing 1915(c) home and community-based waiver or 1115
5 state waiver in the category of physically disabled adults under the age of 65 to receive waiver to
6 services to support said individuals in their homes and communities. This waiver request shall
7 pertain to those in the age restriction 19-60 and have progressive physical disabilities who meet
8 state criteria for nursing home level of care. The amendment will be for an exclusion of spousal
9 income and assets when determining eligibility, comparable to the 1915(c) waiver regulations for
10 seniors age 60 and older as referenced in the Massachusetts Division of Medical Assistance
11 regulations, Chapter 519.007(B).